

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 08, 2024**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BRYAN PAUL HERNANDEZ,

Petitioner,

v.

ERIC CARPENTER,

Respondent.

No. 2:24-CV-00009-SAB

**ORDER DENYING MOTION  
FOR DEFAULT**

Before the Court is Petitioner's Motion for Default, ECF No. 22. Petitioner is a civil detainee at Eastern State Hospital and is representing himself. The State of Washington is represented by Amy Flanigan.

Petitioner asks the Court to enter an order and judgment of default because Respondent's motion for continuance was not granted and the deadline for responding to the habeas petition has passed.

In its previous Order, the Court accepted Respondent's answer to the petition and set a deadline for Petitioner to file a reply. ECF No. As such, there is no basis to enter default against Respondent. *See Eitel v. McCool*, 782 F.2d 1470, 1472 (9th Cir. 1986) (noting the general rule is that default judgments are ordinarily disfavored because cases should be decided upon their merits whenever reasonable possible).

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**ORDER DENYING MOTION FOR DEFAULT ~ 1**

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Petitioner's Motion for Default, ECF No. 22, is **DENIED**.

3 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter  
4 this Order and provide copies to Plaintiff and counsel.

5 **DATED** this 8th day of April 2024.



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12 Chief United States District Judge  
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